

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

| | | |
|-----------------------------|---|-----------------------|
| MARTHA QUINN, INDIVIDUALLY | § | |
| AND AS INDEPENDENT | § | |
| ADMINISTRATOR OF THE ESTATE | § | |
| OF JOHN CHRISTOPHER QUINN, | § | |
| DECEASED | § | |
| | § | |
| Plaintiff, | § | C.A. No. 4:19-cv-2151 |
| | § | |
| v. | § | |
| | § | |
| UNITEDHEALTH GROUP, INC. | § | |
| | § | |
| Defendant. | § | |

EXHIBIT 2 - INDEX OF STATE COURT DOCUMENTS

1. Docket Sheet, 2-A;
2. Plaintiff's Original Petition, filed 05/13/2019, 2-B;
3. Request for Service, filed 05/13/2019, 2-C;
4. Certified Mail Citation, filed 05/14/2019, 2-D;
5. Defendant's Original Answer, filed 06/07/2019, 2-E;
6. Docket Control Order, filed 06/07/2019, 2-F;
7. Request for Service, filed 06/10/2019, 2-G;

Dated: June 14, 2019

Respectfully submitted,

By: /s/ Andrew G. Jubinsky

Andrew G. Jubinsky

Texas Bar No. 11043000

Fed. I.D. No. 8603

andy.jubinsky@figdav.com

Attorney-in-Charge

Nicole H. Muñoz

Texas Bar No. 24098153

Fed. I.D. No. 2995810

nicole.munoz@figdav.com

FIGARI + DAVENPORT, LLP

901 Main Street, Suite 3400

Dallas, Texas 75202

(214) 939-2000 – telephone

(214) 939-2090 – facsimile

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on the parties listed below on June 14, 2019.

Via CMRRR:

Kenna M. Seiler

The Seiler Law Firm, PLLC

2700 Research Forest Drive, Suite 100

The Woodlands, Texas 77381

/s/ Andrew G. Jubinsky

Andrew G. Jubinsky

REGISTER OF ACTIONS

CASE NO. 19-05-06576

Martha Quinn, Individually and as Independent Administrator of the
Estate of John Christopher Quinn, Deceased VS. UnitedHealth Group, Inc. §
§
§
§
§

Case Type: **Contract-Other >\$100,000 but
<\$200,000**
Date Filed: **05/13/2019**
Location: **County Court at Law #2**

PARTY INFORMATION

| | | |
|------------------|---|--|
| Defendant | Unitedhealth Group, Inc Registered Agent The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801 | Attorneys Andrew G Jubinsky <i>Retained</i> 214-939-2000(W) |
| Plaintiff | Martha Quinn, Individually and as Independent Administrator of the Estate of John Christopher Quinn, Deceased | Kenna M. Seiler <i>Retained</i> 281-419-7770(W) |

EVENTS & ORDERS OF THE COURT

| | | | |
|----------------------------------|--|----------|------------|
| OTHER EVENTS AND HEARINGS | | | |
| 05/13/2019 | Original Petition (OCA) | | |
| 05/13/2019 | E-Filed Original Petition Document | | |
| 05/13/2019 | Request For Service | | |
| 05/14/2019 | Certified Mail Citation | | |
| | Unitedhealth Group, Inc | Served | 05/20/2019 |
| | | Returned | 05/29/2019 |
| 06/07/2019 | Answer | | |
| 06/07/2019 | Docket Control Order | | |
| 06/10/2019 | Request For Service | | |
| 09/16/2019 | Bench Trial (9:00 AM) (Judicial Officer Laird, Claudia) | | |

FINANCIAL INFORMATION

| | | | |
|------------|--|-------------------------|-------------|
| | Defendant Unitedhealth Group, Inc | | |
| | Total Financial Assessment | | 1.00 |
| | Total Payments and Credits | | 1.00 |
| | Balance Due as of 06/14/2019 | | 0.00 |
| 06/10/2019 | Transaction Assessment | | 1.00 |
| 06/10/2019 | E-File Electronic Payment Receipt # 2019-235063 | Unitedhealth Group, Inc | (1.00) |
| | | | |
| | Plaintiff Martha Quinn, Individually and as Independent Administrator of the Estate of John Christopher Quinn, Deceased | | |
| | Total Financial Assessment | | 379.00 |
| | Total Payments and Credits | | 379.00 |
| | Balance Due as of 06/14/2019 | | 0.00 |
| 05/14/2019 | Transaction Assessment | | 379.00 |
| 05/14/2019 | E-File Electronic Payment Receipt # 2019-231844 | Quinn, Martha | (379.00) |

CAUSE NO. 19-05-06576

| | | |
|--------------------------------|---|---|
| MARTHA QUINN, INDIVIDUALLY | § | IN THE DISTRICT COURT |
| AND AS INDEPENDENT | § | |
| ADMINISTRATOR OF THE ESTATE OF | § | |
| JOHN CHRISTOPHER QUINN, | § | Montgomery County - DC - County Court at Law #2 |
| DECEASED | § | |
| | § | |
| V. | § | MONTGOMERY COUNTY, TEXAS |
| | § | |
| UNITEDHEALTH GROUP, INC. | § | _____ JUDICIAL DISTRICT |

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Martha Quinn, Individually and as Independent Administrator of the Estate of John Christopher Quinn, Deceased, ("Plaintiff") in the above-entitled and numbered cause, complains of UnitedHealth Group, Inc. (hereinafter "Defendant") and in support of this Petition would respectfully show the Court the following:

I. DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery per Level Two (2) of Texas Rule of Civil Procedure 190.3 and affirmatively pleads that this suit is not governed by the expedited-actions process in Texas Rule of Civil Procedure 169.

II. CLAIM FOR RELIEF

2. As required by Texas Rule of Civil Procedure 47, Plaintiff seeks monetary relief of \$200,000 or less, in addition to other injunctive or equitable relief.

III. PARTIES

3. Plaintiff, Martha Quinn, is an individual currently residing in Santiago De Queretaro, Mexico. Plaintiff was appointed as Independent Administrator of the Estate of John Christopher Quinn, Deceased, on December 14, 2017.

4. Defendant, UnitedHealth Group, Inc., is a Delaware Corporation and may be served through its Registered Agent for Service, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle County, Delaware 19801.

IV. JURISDICTION AND VENUE

5. Jurisdiction in this Court is proper because the amount in controversy exceeds the minimum jurisdictional limits of this Court. Venue in Montgomery County is proper as Montgomery County is the county where the policyholder or beneficiary instituting the suit resided at the time the cause of action accrued. Tex. Civ. Prac. & Rem. Code §15.032.

V. FACTUAL BACKGROUND

6. Plaintiff and her husband, John Christopher Quinn were covered by United Healthcare for health insurance under an employer-provided plan from August 1, 2015 to June 30, 2016 under Planet Equity Group, LLC, group number 0905309.

7. The Decedent and Plaintiff temporarily moved to Santiago De Queretaro, Mexico for medical treatment of the Decedent's brain cancer after exhausting all options in the United States.

8. United Healthcare representatives told the Plaintiff and the Decedent that she would be reimbursed for the Decedent's medical bills incurred while living in Mexico.

9. Both the Plaintiff and the Decedent submitted medical bills for his care via United Healthcare's International Claims Transmittal. There was never any response to this claim submittal and the medical bills were not paid. Martha Quinn and Christopher Quinn spent their last money to cover this treatment with the assurance that they would be reimbursed. The claim was not paid by United Healthcare.

10. John Christopher Quinn died on May 17, 2017 in Santiago De Queretaro, Mexico.

11. Martha Quinn was appointed Independent Administrator of John Christopher Quinn's Estate on December 14, 2017 and letters of administration were issued. These letters reflect the Plaintiff's authority to act on behalf of the Decedent's estate.

12. Plaintiff nor the Estate have been reimbursed for the medical expenses.

13. Defendant has not responded to any communication from Plaintiff regarding the reimbursement.

VI. BREACH OF CONTRACT

14. Each of the preceding paragraphs are hereby incorporated by reference into this section as if fully set forth herein.

15. Plaintiff entered into a contract with Defendant when the insurance coverage began. Plaintiff fully performed the terms of the contract by payment of insurance premiums. The Defendant breached this duty by failing to pay covered claims under the contract. The Plaintiff has been damaged by Defendant's breach of contract and is entitled to actual damages. Plaintiff seeks damages including interests, costs, and attorney fees, which are within the jurisdictional limits of this Court.

VII. ATTORNEY'S FEES

16. Plaintiff seeks and is entitled to recover from Defendant, her reasonable attorneys' fees and expenses for necessary legal services under Chapters 38 of the Texas Civil Practice and Remedies Code. Plaintiff engaged the services of the undersigned firm and attorney to seek all legal remedies for the recovery of the sums legally owed to Plaintiff from Defendant.

VIII. CONDITIONS PRECEDENT

17. All conditions precedent to bringing this suit have occurred and proper notices to have been sent.

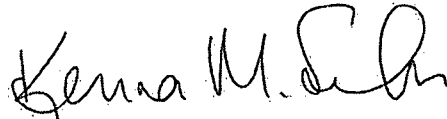
IX. PRAYER

For these reasons, Plaintiff respectfully requests that the Defendant be cited to appear herein and Plaintiff have judgment for the relief requested herein and for such other and further relief to which the Plaintiff may be justly entitled, including:

- a. Actual damages within the jurisdictional limits of the Court;
- b. Costs of suit, including reasonable and necessary attorney's fees;
- c. Pre- and post-judgment interest, and
- d. All other relief to which Plaintiff may be justly entitled by law.

Respectfully submitted,

THE SEILER LAW FIRM, PLLC



Kenna M. Seiler
State Bar No. 13944250
2700 Research Forest Drive, Suite 100
The Woodlands, Texas 77381
Kenna.seiler@theseilerlawfirm.com
(281) 419-7770
(281) 419-7791 - Telecopier

ATTORNEY FOR PLAINTIFF

**Request for Service**
Montgomery County District ClerkCASE NUMBER: 19-05-06576 CURRENT COURT: Montgomery County - DC - County Court at Law #2Name(s) of Documents to be served: Plaintiff's Original PetitionFILE DATE of document(s) to be served: 05/13/2019 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly as The Name Appears in The Pleading to Be Served):

Issue Service to: UnitedHealth Group, Inc.Address of Service: Corporation Trust Center, 1209 Orange StreetCity, State & Zip: Wilmington, Delaware 19801Agent (if applicable): The Corporation Trust Company☐ Check here to have citation addressed to wherever the addressee may be found.

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the appropriate box)

| | | |
|---|--|---|
| <input checked="" type="checkbox"/> Citation for Personal Service | <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Civil Injunction/TRO |
| <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Highway Commission (\$12.00) | <input type="checkbox"/> Certiorari |
| <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Commissioner of Insurance (\$12.00) | <input type="checkbox"/> Precept |
| <input type="checkbox"/> Citation Scire Facias | <input type="checkbox"/> Hague Convention (\$16.00) | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Writ of Garnishment | <input type="checkbox"/> Capias (not an E-Issuance) | <input type="checkbox"/> Other (Please |
| <input type="checkbox"/> Writ of Sequestration | <input type="checkbox"/> Temporary Restraining Order (Family) | Describe) _____ |
| <input type="checkbox"/> Writ of Attachment | <input type="checkbox"/> Temporary Ex Parte Protective Order | _____ |
| <input type="checkbox"/> Writ of Habeas Corpus | <input type="checkbox"/> Notice of Appl. For Protective Order | _____ |
| <input type="checkbox"/> Notice of Hearing/Show Cause | <input type="checkbox"/> Notice of Foreign Judgment (UIFSA) | (See additional Forms for |
| <input type="checkbox"/> Regular Mail (only available for | <input type="checkbox"/> Notice of Foreign Judgment (UCCJEA) | Post Judgment Service) |
| Expedited Foreclosures and UIFSA | (by certified mail service) | |
| Foreign Judgments | | |

SERVICE BY: (Check the appropriate box.)

| |
|--|
| <input type="checkbox"/> E-Issuance by District Clerk (No Service Copy Fees Charged) (Note:) <u>CAPIAS is not an E-Issuance Option</u> |
| *Citations returned electronically will be e-served through E-file Texas to requesting attorney/pro se. |
| <input type="checkbox"/> ATTORNEY PICK-UP (phone or email contact): _____ |
| <input type="checkbox"/> MAIL to attorney at Attorney of Record's address on file in case record. |
| <input checked="" type="checkbox"/> CERTIFIED MAIL by District Clerk |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____ |
| <input type="checkbox"/> OTHER, explain: _____ |

Issuance of Service requested by:

Attorney/Party Name: Kenna M. Seiler Bar# or ID: 13944250

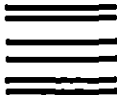
Mailing Address: _____

Phone Number: _____

UNITED STATES POSTAL SERVICE

Code: 19-05-06576

Code2: CCL 2



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP[®] in this box

Service Division
Montgomery County District 2
P. O. Box 2985
Conroe, TX 77305

RECEIVED AND FILED
FOR RECORD
MAY 29 2019
A10:45 O'Clock

Melissa Miller, District Clerk
Montgomery County, Texas
Deputy
Melissa Miller

MAY 29 2019



2-D

SENDER

- ☒ Complete
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

X☐ Agent
☐ Addressee

MAY 20 2019

B. Received by (Printed Name)

C. Date of Delivery

CT CORPORATION

D. Is delivery address different from item?

☐ Yes

If YES enter delivery address below:

☐ No

1. Article Addressed to:

UnitedHealth Group, Inc
Registered Agent the Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801
5/14/2019 11:22:26AM



9290 9969 0099 9727 9035 83

2. Article Number (Transfer from service label)

9214 7969 0099 9790 1627 9035 76

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail[®]
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express[®]
- ☐ Registered Mail[™]
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation[™]
- ☐ Signature Confirmation Restricted Delivery

CITATION

Cause Number: 19-05-06576

Clerk of the Court
Melisa Miller
P.O. Box 2985
Conroe, Texas 77305

Attorney Requesting Service
Kenna M. Seiler
2700 Research Forest Dr
Suite 100
The Woodlands TX 77381

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

To: Unitedhealth Group, Inc
Registered Agent The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington DE 19801

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before 10:00 A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable County Court at Law #2 Montgomery County, Texas at the Courthouse of said County in Conroe, Texas.

Said Plaintiff's Original Petition was filed in said court on this the 13th day of May, 2019 numbered 19-05-06576 on the docket of said court, and styled, Martha Quinn, Individually and as Independent Administrator of the Estate of John Christopher Quinn, Deceased VS. UnitedHealth Group, Inc.

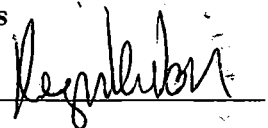
The nature of plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Conroe, Texas on this the 14th day of May, 2019.

Melisa Miller, District Clerk
Montgomery County, Texas

By: _____
Ryan Rendon, Deputy



CAUSE NO. 19-05-06576

| | | |
|---------------------------------|---|--------------------------|
| MARTHA QUINN, INDIVIDUALLY AND | § | IN THE COUNTY COURT |
| AS INDEPENDENT ADMINISTRATOR OF | § | |
| THE ESTATE OF JOHN CHRISTOPHER | § | |
| QUINN, DECEASED | § | |
| | § | |
| v. | § | AT LAW NO. 2 |
| | § | |
| UNITEDHEALTH GROUP, INC. | § | MONTGOMERY COUNTY, TEXAS |

DEFENDANT'S ORIGINAL ANSWER

Defendant files its original answer, and states:

1. Subject to such admissions and stipulations as may be made at or before time of trial, Defendant denies generally and specially the material allegations in Plaintiff's Original Petition, pursuant to Tex. R. Civ. P. 92, and demands strict proof thereof in accordance with the requirements of the laws of this state.

2. Defendant requests the following relief:

- (a) That Plaintiff take nothing by reason of her suit;
- (b) That Defendant be dismissed with its costs; and
- (c) That Defendant have such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

Dated: June 7, 2019

Respectfully submitted,

By: /s/ Andrew G. Jubinsky
Andrew G. Jubinsky
Texas Bar No. 11043000
andy.jubinsky@figdav.com

FIGARI + DAVENPORT, L.L.P.
901 Main Street, Suite 3400
Dallas, Texas 75202
Telephone: (214) 939-2000
Facsimile: (214) 939-2090

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on the parties listed below on June 7, 2019.

Kenna M. Seiler
The Seiler Law Firm, PLLC
2700 Research Forest Drive, Suite 100
The Woodlands, Texas 77381
Tel: (281) 419-7770
Fax: (281) 419-7791
Attorney for Plaintiff

/s/ Andrew G. Jubinsky
Andrew G. Jubinsky

CAUSE NO. 19-05-06576

MARTHA QUINN, INDIVIDUALLY AND
AS INDEPENDENT ADMINISTRATOR OF
THE ESTATE OF JOHN CHRISTOPHER
QUINN, DECEASED

§

IN THE COUNTY COURT

VS

§

§

§

AT LAW NUMBER TWO

UNITEDHEALTH GROUP, INC

§

MONTGOMERY COUNTY, TEXAS

DOCKET CONTROL ORDER

It is ordered adjudged and decreed that the following deadlines shall apply to this case, said deadlines shall continue to be in effect upon any change in the trial date. Any date that falls on a weekend or legal holiday (as determined by Montgomery County Commissioners Court) shall be moved to the next day. Failure to appear as required for any docket will result in dismissal of the case with no further notice. **MEDIATION BEFORE CALL-IN IS ORDERED.**

1. 75 DAYS PRIOR TO TRIAL PLAINTIFF'S EXPERTS DISCLOSURE DEADLINE
2. 45 DAYS PRIOR TO TRIAL DEFENDANT'S EXPERT DISCLOSURE DEADLINE
3. 15 DAYS PRIOR TO TRIAL EXPERT CHALLENGES DEADLINE
All objecting to qualifications must be filed and presented in oral hearing to the Court by this date.
4. 10 DAYS PRIOR TO TRIAL SUMMARY JUDGMENT DEADLINE
Must be presented to the Court by this date.
5. TUESDAY PRIOR TO TRIAL CALL IN ANNOUNCEMENT DOCKET
All parties must contact the Court Administrator by telephone at 936.539.7832 to make trial announcements **by noon.**
6. FRIDAY PRIOR TO TRIAL PRE TRIAL CONFERENCE
ONLY THOSE PARTIES NOTIFIED BY THE COURT AFTER CALL IN DOCKET SHALL APPEAR
 - a. If a jury fee has been paid, a proposed jury charge must be filed by this date. The jury charge must be provided to the Court in electronic format.
 - b. All contested motions for continuance will be heard at this time.
 - c. All motions in limine must be in writing and will be heard at this time. A separate proposed limine order must be filed with the motion.

09/16/2019 at 9:00 a.m.

-TRIAL (Trials on call for two weeks)
ONLY THOSE PARTIES NOTIFIED BY THE COURT AT PRE-TRIAL CONFERENCE SHALL APPEAR

Signed on this the 7th day of June, 2019.



Judge Claudia Laird

Sent to: 281-419-7791; 214-939-2090



June 10, 2019

stephanie.young@figdav.com
214-939-2030

VIA EFILE

Ms. Melisa Miller
Montgomery County District Clerk
P. O. Box 2985
Conroe, Texas 77305

Re: Civil Action No. 19-05-06576; *Martha Quinn, Individually and as Independent Administrator of the Estate of John Christopher Quinn, Deceased v. UnitedHealth Group*

Dear Ms. Miller:

Please provide me a copy of the citation return for UnitedHealth Group, filed 5/29/19. The copy fee was paid with the filing of this request. Please forward the return through the court's eFile system. Thank you for your attention to this matter.

Sincerely,

Stephanie A. Young, RP
Paralegal

2-G